

**KANSAS CITY CEMENT MASONS  
PENSION FUND, et al.,**

**Plaintiffs,**

**VS.**

**360 DIRT SOLUTIONS CO., INC.,**

**Defendant.**

**Case No. 09-0295-CV-W-GAF**

**ORDER**

On July 10, 2009, a default judgment was rendered against Defendant 360 Dirt Solutions Co., Inc. (“Defendant”). (Doc. #10). Thereafter, on November 18, 2009, the Court ordered Plaintiffs Kansas City Cement Masons Pension Fund, et al. (“Plaintiffs”), to submit affidavits on the issue of damages in lieu of a damages hearing. (Doc. #13). In response to the November 2009 Order, Plaintiffs filed affidavits in support of unpaid fringe benefit contributions, liquidated damages, interest, audit costs, and attorney’s fees. (Doc. ##14-16). Upon review of these affidavits and their supporting documentation, the Court finds Plaintiffs have incurred damages in the following amounts:

- For failure to pay fringe benefit contributions: \$20,795.40;
- For liquidated damages: \$4,159.09;
- For interest on unpaid fringe benefit contributions: \$1,143.78;
- For audit costs: \$11,577.50; and
- For attorney's fees and costs: \$3,537.28.

Accordingly, it is

ORDERED that damages in the above-captioned case are assessed at \$41,213.05. Defendant

is directed to remit payment in the amount of \$41,213.05 to Plaintiffs' counsel, Bradley J. Sollars of Arnold, Newbold, Winter & Jackson, P.C., within thirty (30) days of the date of this Order.

s/ Gary A. Fenner

Gary A. Fenner, Judge  
United States District Court

DATED: December 7, 2009